

Remarks/Arguments:

Claim Status

Claims 1-34 are pending.

Claims 19-20 and 29 are objected to.

Claims 1-18 and 21-34 are stated to be rejected in the Office Action Summary, however, no rejection has been made in the body of the Office Action regarding claims 21 and 26-28. Accordingly, it is believed that claims 21 and 26-28 are allowable since no substantive rejection has been provided.

By this Amendment, claims 14, 16-17, 19-20, 23, 29 and 31-32 are amended and claims 15 and 33-34 are cancelled without prejudice.

No new matter is added by the claim amendments, and accordingly, entry and approval of same is respectfully requested.

Claim Objections

Claims 19-20 and 29 are objected to for informalities therein.

Claims 19-20 and 29 have been amended to improve form and to correct such informalities. It is submitted that the objections are now overcome.

Reconsideration is respectfully requested.

Rejection of Claims 31-32 Under 35 U.S.C. § 101

In the Action at item 2, claims 31-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 31-32 have been amended to clarify the invention and it is submitted that the rejection is now overcome.

Reconsideration is respectfully requested.

Rejection of Claims 23-24 Under 35 U.S.C. § 112, second paragraph

In the Action at item 6, claims 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 23-24 have been amended to clarify the invention and it is submitted that the rejection is overcome.

Reconsideration is respectfully requested.

Rejection of Claim 14 Under 35 U.S.C. § 102(e)

In the Action at item 8, claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Tsubone (U.S. Patent Publication No. 2003/0107471).

Claim 14 has been amended to include the features of claim 15 (i.e., "the house code is obtained when the house code notification is received successively at predetermined times in a predetermined time period.")

In the Office Action at page 7, the Examiner acknowledges that "Tsubone fails to specify that the house code is being successively received at [a] predetermined time in a second predetermined time period," (brackets added).

Accordingly, it is submitted that claim 14 overcomes this rejection and is submitted to be allowable over Tsubone for the reasons set forth above.

Rejection of Claims 1-13, 15-18 and 31-34 Under 35 U.S.C. § 103(a)

In the Action at item 10, claims 1-13, 15-18 and 31-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsubone in view of Issa (U.S. Patent No. 5,945,936).

Applicants respectfully traverse the rejection and request reconsideration.

Claims 15 and 33 and 34

Claims 15 and 33-34 have been canceled without prejudice and the rejection thereof is now moot.

Claim 1

Claim 1 is directed to a communications setting method and recites "a house code notification ... is transmitted from a first device in the communications network system to a second device in the communications network system more than once in a first predetermined time period."

In the Action at page 4, the Examiner acknowledges that "Tsubone does not specifically disclose the transmitted (sic) more than once in the first predetermined time period..."

The Examiner contends that "Issa teaches "a code transmission method which is transmitted data to receiver more than once in the first predetermined time period. It would have been obvious of one having ordinary skill in the art ... to implement a transmission method of Issa in the system of Tsubone, in order to insure that the signal is received through use of the multiple transmission ..."

Applicants respectfully disagree with the Examiner for the following reasons.

No Motivation Exists To Combine The Teachings Of Tsubone With Issa To Produce The Claimed Invention

References must be considered as a whole, and it is well established that it is impermissible to pick and choose only so much as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly teaches or suggests. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve*, 230 U.S.P.Q. 416, 419 (Fed. Cir. 1986)(citing *In re Wesslau*, 147 U.S.P.Q. 391, 393 (CCPA 1965)). See also, *In re Fritch*, 23 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992) (One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.); *In re Mercier*, 185 U.S.P.Q. 774, 778 (CCPA 1975)(all the relevant teaching of the cited reference must be considered in determining what they fairly teach to one having ordinary skill in the art) (emphasis original); *In re Wesslau* 353 F.2d 238, 241 (CCPA 1965) (impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art.). Moreover, the motivation to combine references must be found in a reference.

Here, no motivation exists in the cited references to combine the teachings of Tsubone with Issa and, furthermore, Tsubone teaches away from the present invention recited in claim 1. That is, Tsubone discloses a system that provides the same results (i.e., a house code being uniquely set to prevent interference between terminals) as that of the present invention recited in claim 1 with a different structure and different method of operation. In Tsubone, for example, master-slave designating switches 14, 24 and 34 are set by a user and either (1) the house code set into the master terminal is read out, and the house code is set into the slave terminal or (2) a tentative house code is generated on the basis of the identifier of the master

terminal, and mutual communications between the master and slave terminals is attempted and if successful the tentative house code is set as a regular house code in the slave terminal. (See Tsubone at paragraphs [0019] and [0020].)

The present invention recited in claim 1 produces the same result as Tsubone but does so based on a house code notification being transmitted "more than once in a first predetermined time period." One of ordinary skill in the art would therefore have no motivation to combine the teachings of Tsubone with Issa to produce the claimed invention and its resultant benefits because Tsubone alone provides such benefits. Stated differently, Tsubone can produce the same result as the the present invention recited in claim 1 without any teachings of Issa, so one of ordinary skill would not be motivated to combine their teachings.

Thus, Tsubone should not be combined with any other reference because one of skill in the art would have no motivation to so combine the references to produce the combination.

Accordingly, Tsubone and Issa, taken singularly or in any proper combination, fail to disclose or suggest each and every limitation of claim 1. Therefore, Applicants requests that the rejection of claim 1 be withdrawn.

Independent Claims 9-10 and 31-32

Claims 9-10 and 31-32 although not identical to claim 1, include similar patentable features to those of claim 1, and are submitted to be allowable for similar reasons to those of claim 1.

Dependent Claims 2-8 and 11-13

Claims 2-8 and 11-13 include all of the limitations of claim 1 or 10 from which they ultimately depend, and, accordingly, Applicants request that the rejection of claims 2-8 and 11-13 also be withdrawn for the reasons set forth above with respect to claim 1 and 10.

Claims 16-18 include all of the limitations of claim 14, from which they ultimately depend. Claim 14 as amended, includes similar patentable features to those of claim 1, and accordingly claims 16-18 are submitted to be allowable for similar reasons to those of claim 1.

Rejection of Claims 22-25 and 29-30 Under 35 U.S.C. § 103(a)

In the Action at item 11, claims 22-25 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubone in view of Momona (U.S. Patent No. 5,815,660).

Reconsideration is respectfully requested.

Claim 22.

Claim 22 is directed to a device which has a master function, and recites "the device comprises means of storing an address table holding terminal addresses assignable to the one or more other devices, means of receiving an address table transmission request from one of the other devices to transmit the address table, and means of transmitting the address table to the one other device at the address table transmission request."

Tsubone Reference

In the Action at page 8, the Examiner acknowledges that "Tsubone does not specifically disclose an address table holding terminal addresses assigned to other devices." Applicants

agree with the Examiner and further submit that Tsubone is silent regarding means of storing and means of transmitting the address table. In particular, since an address table is not contemplated in Tsubone, structure related to storing and transmitting is also not contemplated in Tsubone.

Momona Reference

Momona discloses a master station access control unit 16 that includes a transmission address table 104. The master station access control unit 16 includes a memory 131. However, Momona is silent regarding "means of transmitting the address table." This is because, in Momona the address table is used as a look up table for information to communicate between devices, however, it is not disclosed or suggested in Momona anything related to transmitting the address table itself. Such a transmission, which is only disclosed in the present application provides the benefit of allowing the master function to be transferred between devices.

Accordingly, Tsubone and Momona, taken singularly or in any proper combination, fail to disclose or suggest each and every limitation of claim 22. Therefore, Applicants requests that the rejection of claim 22 be withdrawn.

Dependent Claims 23-25

Claims 23-25 include all of the limitations of claim 22 from which they depend, and, accordingly, Applicants request that the rejection of claims 23-25 also be withdrawn for the reasons set forth above with respect to claim 22.

Claim 29.

Claim 29 is directed to a device, and recites "an address table including terminal addresses of other devices and address assignment information indicating whether or not the terminal addresses have been assigned is held, and a reply request is periodically transmitted to other devices when a number of assigned addresses included in the address assignment information is equal to or larger than a predetermined value." Claim 29 has been amended to

clarify the invention and includes a condition (i.e., "when a number of assigned addresses included in the address assignment information is equal to or larger than a predetermined value" for periodically transmitting a reply request to other devices.

Tsubone Reference

In the Action at page 8, the Examiner acknowledges that "Tsubone does not specifically disclose an address table holding terminal addresses assigned to other devices." Moreover, Tsubone is silent regarding "a reply request is periodically transmitted to other devices based on a condition (i.e., when a number of assigned addresses included in the address assignment information is equal to or larger than a predetermined value).

Momona Reference

Momona discloses providing a subscription polling (i.e., transmitting a subscription polling signal with a "broadcast address"; see Momona at col. 5, lines 18-21). The subscription signal causes the slave station to respond. These subscription pollings are interposed between normal pollings on **a regular basis**. (See Momona at col. 11, lines 46-49). That is, the subscription polling of Momona corresponds to a reply request of the present invention recited in claim 29. However, the subscription polling occurs on a regular basis and, more particularly, does not occur based on a condition. That is, subscription polling of Momona does not occur based on "when a number of assigned addresses included in the address assignment information is equal to or larger than a predetermined value," as required by claim 29.

Accordingly, Tsubone and Momoma, taken singularly or in any proper combination, fail to disclose or suggest each and every limitation of claim 29. Therefore, Applicants requests that the rejection of claim 29 be withdrawn.

Dependent Claim 30

Claim 30 include all of the limitations of claim 29 from which it depend, and, accordingly, Applicants request that the rejection of claims 30 also be withdrawn for the reasons set forth above with respect to claim 29.

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MTS-3306US

Conclusion

In view of the claim amendments and remarks set forth above, Applicants respectfully submit that claims 1-14 and 16-32 are in condition for allowance and early notification to that effect is earnestly solicited.

Respectfully submitted,



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